

## **State, tribes gearing up to look at damages in Tar Creek Superfund site**

By Randy Petersen  
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A portion of the \$4 million in state funds used to match Superfund money is an indicator that debate over damages in the Tar Creek area is far from over.

While Environmental Protection Agency contractors are gearing up to clean up the final 457 yards on its list in northern Ottawa County, \$200,000 in state money has been reserved to target other damages in the area.

The money is slated to be spent by the Oklahoma Attorney General's Office in preparation of a Natural Resources Damages Assessment, a legal attempt to get parties responsible for damages in the region to pay for past and current injuries to the environment.

Typically, the assessment would occur after the Superfund work — intended to reduce threats to public health and the environment — is complete.

Kelly Burch, assistant attorney general, said waiting isn't the best option since some of the work to reduce the health threats and restore the area could be done through cooperation.

"I think we'd like to see those actions coordinated and taken at the same time," she said.

The \$200,000 provided by the state could just be the tip of needed funding.

In its final report, the governor's Tar Creek Task Force stated the state's final cost could be more than \$1 million if a full-blown assessment and future litigation is deemed necessary.

Additional funding for assessment and legal action could come from area tribes, who have begun meeting to discuss the topic. Four tribes — the Quapaw Tribe, the Wyandotte Nation, the Eastern Shawnee Tribe and the Seneca-Cayuga Tribe — have signed on as trustees in a proposed NRDA action, while other area tribes are participating in discussion by waiting to officially join the effort.

The tribes that do join the effort could be required to help fund the costly assessment.

In a similar action near Kellogg, Idaho, the Coeur d' Alene Tribe has spent \$13 million in the past 10 years in an effort to force restoration of natural resources that were destroyed by mining practices.

So far, the local costs appear to have been limited. In addition to the \$200,000 from the state, the U.S. Department of the Interior dedicated \$310,000 to the effort in 2000.

Calls to the DOI about current or future funding went unreturned.

While the cost could be high, the Tar Creek Task Force's subcommittee on natural resource damages noted the returns could be higher.

"It is possible that damages at the site could exceed several hundred million dollars," the committee stated in its final report.

While any court-ordered damage payments would be made by parties deemed responsible for the damages in the Tar Creek area, Burch said it is too early to tell who would be among that list.

Likewise, she said it is also too early to determine who would receive part of the settlement and carry out any restoration projects.

"We haven't really focused on who does what," Burch said. "That's not the point. We want to get the money to restore the area."

In doing that, she said current efforts are aimed at determining the damage done and the amount of damage that could be left behind by Superfund work.

She said the effort to determine the impact of mining on an environment is time consuming and will involve a variety of research and experts.

Measuring the loss of an entire stream full of aquatic life is not very easy," she noted.

Once the research is complete and the data is gathered, Burch said state, tribal and federal trustees can work to determine if and how they will seek funding for restorative work.

"Until we start officially, I don't know how it will work," Burch said. "We're not quite there yet."